

## **REGULAR MEETING**

**September 11, 1995**

The Regular Meeting of the Annapolis City Council was held on September 11, 1995 in the Council Chamber. Mayor Hopkins called the meeting to order at 7:00 p.m. Alderman Johnson offered the invocation followed by the Pledge of Allegiance.

Present on Roll Call: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden, Turner, DeGraff, Moyer

Staff Present: City Attorney Goetzke, Planning and Zoning Director Fogarty, Public Works Director Patmore, Transportation Director Chase

Alderman Snowden moved to approve the Minutes of July 10 and July 24, 1995. Seconded. CARRIED on voice vote.

### **SPECIAL PRESENTATIONS**

1. Annapolis Police Department

Mayor Hopkins, Alderman DeGraff and Major Randall presented the following awards:

**Distinguished Service Citation:**

William C. Danmeyer  
Timothy Elliott  
Alexis Elliott  
Eric M. Smith

**Citation of Merit:**

Sam Renaut  
Nick Martin, representing the Lions Club of Annapolis  
Norman Tucker, representing the Annapolis Optimist Club

2. Anne Arundel County Health Department

Frances B. Phillips, Annapolis/Anne Arundel County Health Officer, presented an overview of services at the Health Department.

3. Taylor/West Site Advisory Committee

Planning and Zoning Director Fogarty presented a background report. The following individuals spoke briefly:

Mary Burkholder, Director of Economic Development;  
Stuart Patz, President, RER Economic Consultants;  
Mickey Cornelius, Vice President, The Traffic Group;  
Suzanne Weissinger, Chair, Taylor/West Site Advisory Committee;  
David A. Simison, Member, Taylor/West Site Advisory Committee;  
Thomas Welch, Member, Taylor/West Advisory Committee.

Alderman Gilmer moved to amend the order of the Agenda to allow a Business and Miscellaneous item. Seconded. CARRIED on voice vote.

### **BUSINESS AND MISCELLANEOUS**

**R-39-95 Revised** For the purpose of requiring a public hearing before considering findings related to a proposed community/conference center or pursuing funding commitments from Anne Arundel County or the State of Maryland for the development of this facility; and all matters relating to said community/conference center.

Alderman Gilmer moved to adopt R-39-95 Revised. Seconded. A ROLL CALL vote was taken:

YEAS: Aldermen Hammond, Johnson, Gilmer, Turner  
NAYS: Mayor Hopkins, Aldermen Tullier, Snowden, DeGraff, Moyer  
DEFEATED: 5-4

**R-39-95** For the purpose of endorsing a community/conference center at the Taylor Avenue and West Street site and endorsing the vigorous pursuit of proportional funding commitments from Anne Arundel County and the State of Maryland for the development of this facility; and all matters relating to said endorsement.

Alderman Snowden moved to adopt R-39-95. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Tullier, Snowden, DeGraff, Moyer  
NAYS: Aldermen Hammond, Johnson, Gilmer, Turner  
CARRIED: 5-4

The regular order of the Agenda was resumed.

### **PETITIONS, REPORTS AND COMMUNICATIONS**

1. Minor Carter  
39 Southgate Avenue  
Annapolis, Md. 21401

Spoke in opposition to Resolution R-40-95.

2. Amelia Carrie  
Representing Amnesty International  
No address given.

Spoke regarding the Women's Human Rights March on 9/14/95.

3. Robert Eades  
36 Pleasant Street  
Annapolis, Md. 21401

Spoke regarding food delivery establishments in the City of Annapolis.

4. Lucy Oppenheim  
17C Heritage Court  
Annapolis, Md. 21401

Spoke regarding food delivery establishments in the City of Annapolis.

5. Louise Beauregard  
2 Maryland Avenue  
Annapolis, Md. 21401

Spoke regarding parking issues.

6. Ruth Ann Smith Lane  
203 Autumn Chase Drive  
Annapolis, Md. 21403

Spoke in support of Resolution R-40-95.

7. Cornell Mark Hunt  
1840 Bowman Court  
Annapolis, Md. 21401

Spoke regarding food delivery establishments in the City of Annapolis.

8. Jerome Simms  
Public Relations Manager and Coordinator  
SES Enterprise, Incorporated  
No address given

Spoke regarding food delivery establishments in the City of Annapolis and the March for Forgiveness scheduled for 9/24/95.

9. Larry Griffin  
3504 Newport Avenue  
Annapolis, Md. 21403

Spoke regarding food delivery establishments in the City of Annapolis and the March for Forgiveness scheduled for 9/24/95.

10. Roberto Romero  
Glen Burnie, Md. 21061

Spoke regarding concerns as a former employee with the Department of Public Transportation.

11. Ben Scruggs  
336 Highland Drive  
Glen Burnie, Md. 21061

Spoke regarding concerns as a former employee with the Department of Public Transportation.

12. Jacquelyn Sutton  
2674 Carrollton Road  
Annapolis, Md. 21403

Spoke regarding food delivery establishments in the City of Annapolis.

13. Antonio Brown  
909C Royal Street  
Annapolis, Md. 21401

Spoke regarding food delivery establishments in the City of Annapolis.

Alderman Snowden moved to suspend the rules to allow business after 11:30 p.m.  
Seconded. CARRIED on voice vote.

14. Tom Davies  
16 College Avenue

Annapolis, Md. 21401

Spoke regarding Resolution R-39-95.

15. Ann Fligsten  
Historic Annapolis Foundation  
18 Pinkney Street  
Annapolis, Md. 21401

Spoke in opposition to Resolution R-40-95.

16. Cindy Eckard  
106 N. Linden Avenue  
Annapolis, Md. 21401

Spoke in opposition to Resolution R-39-95. Ms. Eckard submitted a Petition to the Council.

17. Jim Martin  
29 Bristol Drive  
Annapolis, Md. 21401

Spoke in opposition to Resolution R-40-95.

18. Gil Renaut, President  
Ward One Residents Association  
115 Monticello Avenue  
Annapolis, Md. 21401

Spoke in opposition to Resolution R-40-95 and voiced his concerns regarding Resolution R-39-95.

19. Craig Purcell  
259 Hanover Street  
Annapolis, Md. 21401

Spoke regarding Resolution R-40-95.

### **ACTION ON APPLICATIONS AND APPEALS**

- R-36-95** Conditional use application of Ronald Hollander, Choudhry Sultan Mahmood, Mehr Ilyas Muhammad and Nisar Ahmerd Nadeeme to establish a carry-out and delivery food service, t/a Pizza Time, on property located at 2005 West Street, Unit 2.

Alderman Tullier recused himself due to a possible conflict of interest.

Alderman DeGraff moved to adopt R-36-95. Seconded.

Alderman Gilmer moved to amend R-36-95 as follows:

On page 2, line 17, add a new condition as follows and renumber accordingly:

Applicant shall be required to deliver to all residents within their designated service area, who shall request pizza delivery.

Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Snowden, Moyer  
NAYS: Aldermen Turner, DeGraff  
CARRIED: 6-2

The main motion, as amended, CARRIED on voice vote.

**R-37-95** Conditional use application of Annapolis Harbour House, Inc. and Raimondo Lubrana to amend an existing restaurant to reconfigure seating, make internal modifications, alter layout and add square footage on property located at 87 Prince George Street.

Alderman Hammond recused herself due to a possible conflict of interest.

Alderman Snowden moved to adopt R-37-95. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Johnson, Gilmer, Tullier, Snowden, Turner, DeGraff  
NAYS: Alderman Moyer  
CARRIED: 7-1

The regular order of the Agenda was amended to allow a Business and Miscellaneous item.

### **BUSINESS AND MISCELLANEOUS**

1. Amendment to Easement - 14 Annapolis Street

Alderman Snowden moved to approve the amendment to easement between the City of Annapolis and Arnett B. Taylor and Mary B. Taylor at 14 Annapolis Street. Seconded. CARRIED on voice vote.

The regular order of the Agenda was resumed.

### **LEGISLATIVE ACTION**

**CA-2-95** Sponsored by Mayor Hopkins and Alderman DeGraff

For the purpose of amending the Charter of the City of Annapolis to expand from five years to ten years the period of time the city council may make special provisions with respect to the levy of municipal taxes and assessments and the rendition of municipal services in annexed areas.

Alderman Tullier recused himself due to a possible conflict of interest.

The Finance Committee reported favorably on CA-2-95.  
The Rules Committee made no recommendation on CA-2-95.

Alderman Snowden moved to adopt CA-2-95 on second reading. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Johnson, Snowden, Turner, DeGraff, Moyer  
NAYS: Aldermen Hammond, Gilmer  
CARRIED: 6-2

Alderman Snowden moved to adopt CA-2-95 on third reading. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Johnson, Snowden, Turner, DeGraff, Moyer  
NAYS: Aldermen Hammond, Gilmer  
CARRIED: 6-2

The regular order of the Agenda was amended to allow Business and Miscellaneous items.

**BUSINESS AND MISCELLANEOUS**

2. Water Service Agreement - Arundel on the Bay Road

Alderman Tullier recused himself due to a possible conflict of interest.

There being no voiced objection, the matter was referred to the Finance Committee.

3. **R-40-95** For the purpose of authorizing the licensing of sidewalks cafes in the  
**Revised** C2 district for limited periods of time; and all matters relating to said authorization.

Alderman Snowden moved to adopt R-40-95 Revised. Seconded.

Alderman Tullier moved to amend R-40-95 as follows:

**Amendment No. 1:**

On Page 2, line 14, add the following:

**"AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL that any sidewalk cafe operating pursuant to this resolution shall: (1) leave a minimum six-foot unobstructed pedestrian passageway along the length of the sidewalk cafe; and (2) close no later than 10:30 p.m. and the cafe area shall be cleared of all furniture, debris, etc. by 11:00 p.m."**

Seconded. CARRIED on voice vote.

Alderman Gilmer left at 12:10 a.m.

Alderman Hammond moved to amend R-40-95 as follows:

**Amendment No. 2:**

On page 2, line 13, add the following:

**A restaurant may not apply for a cafe license or be granted a sidewalk cafe license unless or until they are in compliance with the City Code and their conditional use.**

Seconded. DEFEATED on voice vote.

Alderman DeGraff moved to call the question on the main motion. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Johnson, Tullier, Snowden, Turner, DeGraff, Moyer  
NAYS: Aldermen Hammond  
CARRIED: 7-1

A ROLL CALL vote was taken on the main motion, as amended:

YEAS: Mayor Hopkins, Aldermen Johnson, Tullier, Snowden, DeGraff, Moyer

NAYS: Aldermen Hammond, Turner  
CARRIED: 6-2

The regular order of the Agenda was resumed.

**LEGISLATIVE ACTION**

Due to the lateness of the hour, Aldermen Snowden moved to adopt O-40-95, O-41-95, O-42-95, O-43-95, O-44-95, O-45-95 and O-46-95 on first reading. Seconded. CARRIED on voice vote.

**O-40-95** Sponsored by Alderman Moyer

For the purpose of revising certain mayoral duties to allow the Mayor to appoint all employees in the Office of the Mayor, to make all appointments to aldermanic standing committees and appoint the chairperson to said committees; revising the annual operating budgetary process; and all matters relating to said mayoral duties.

Referred to the Finance and Rules Committees.

**O-41-95** Sponsored by Mayor Hopkins

For the purpose of clarifying and revising the procedures pursuant to which permanent status civil service employees may appeal to the Civil Service Board disciplinary action taken against such employees; and all matters relating to said procedures.

Referred to the Rules Committee.

**O-42-95** Sponsored by Mayor Hopkins

For the purpose of clarifying and revising the procedures governing disability examinations obtained for employment purposes; and all matters relating to said procedures.

Referred to the Rules Committee.

**O-43-95** Sponsored by Mayor Hopkins

For the purpose of clarifying the procedures for the filling of vacancies within the civil service; and all matters relating to said clarification.

Referred to the Rules Committee.

**O-44-95** Sponsored by Mayor Hopkins

For the purpose of prohibiting litter on certain premises; establishing for the removal of said litter; increasing the fine for littering; and all matters relating to said littering.

Referred to the Rules Committee.

**O-45-95** Sponsored by Alderman Turner

For the purpose of changing the time of the regular monthly meetings of the City Council; and all matters relating to said time change.

Referred to the Rules Committee.

**O-46-95**      Sponsored by Alderman Tullier

For the purpose of revising certain procedures for review of text amendments referred to the Planning Commission; and all matters relating to said procedures.

Referred to the Rules Committee and the Planning Commission.

**O-47-95**      Sponsored by Mayor Hopkins

For the purpose of changing the use of the proceeds of the Public Improvement Bonds of 1995 dated April 1, 1995 issued by the Mayor and City Council of the City of Annapolis; authorizing the transfer of \$604,000 from funds for Bates High School Senior Housing, Capital Project No. 603; and \$73,000 from funds for Wastewater Treatment Plant Sludge Facility Upgrade, Capital Project No. 957, \$152,000 to funds for Streetscape Improvements, Capital Project No. 627, \$152,000 to funds for Stanton Center Improvements, Capital Project No. 505, and \$73,000 to funds for Chesapeake/Bay Ridge Storm Drains, Capital Project No. 109; and all matters relating to said use.

Alderman Tullier moved to adopt O-47-95 on first reading. Seconded. CARRIED on voice vote.

Alderman Tullier moved to suspend the rules to dispense with the second reading on O-47-95. Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt O-47-95 on third reading. Seconded. CARRIED on voice vote.

The regular order of the Agenda was amended to allow Business and Miscellaneous items.

**BUSINESS AND MISCELLANEOUS**

4.      Payment of monthly bills

Alderman Turner moved to pay the monthly bills. Seconded. CARRIED on voice vote.

5.      Appointments

Alderman Snowden moved to confirm the Mayor's appointments of the following named persons as set forth in Memoranda from Mayor Alfred A. Hopkins dated 9/1/95, 9/5/95 and 9/7/95:

Civil Service Board: Velma McCullough

Public Safety Disability  
Retirement Board:

Andrew B. Greenspan

Transportation Advisory Board:

Betty Brown Turner  
Andrew Chase

Seconded. CARRIED on voice vote.



Due to the lateness of the hour, Mayor Hopkins continued the Regular Meeting to Monday, September 18, 1995 at 7:30 p.m.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 12:50 a.m.

**Patricia L. Bembe, CMC/AAE  
City Clerk**